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Attorney for Defendant
ENZOR HENDERSON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

ENZOR HENDERSON,
Defendant.

)
) NO. CR.S-04-326-GEB

)
) **AMENDED**
) **STIPULATION OF THE PARTIES FOR**
) **THE PREPARATION OF A PRE PLEA**
) **PRESENTENCE INVESTIGATION AND**
) **REPORT; ORDER ON**
) **EXCLUSION OF TIME**

Date: January 27, 2006
Time: 9:00 a.m.
Judge: Hon. Garland E. Burrell

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, KYMBERLY SMITH, Assistant United States Attorney, attorney for Plaintiff, MARK J. REICHEL, Assistant Federal Defender, attorney for Defendant, that the status conference hearing date of December 2, 2005 shall be vacated. The parties further stipulate in their request that this court order the preparation of a Pre Plea Presentence Investigation and Report. The parties further stipulate to a return to court on the date of January 27, 2006 for a change of plea.

The parties advise the court that they are in good faith

1 negotiations to resolve the case at present. The specifics of the case
2 and the defendant's prior criminal history make the negotiations and
3 possible prediction of the likely consequences of a guilty plea
4 difficult. An investigation and report back to the parties from the
5 probation department would greatly assist the parties in their effort
6 to resolve the case, as the parties would have a reliable answer from a
7 competent source. The report would add some certainty to the parties
8 attempts to resolve the case.

9 Accordingly, all counsel and the defendant agree that the time
10 under the Speedy Trial Act from the date this stipulation is lodged,
11 through January 27, 2006, should be excluded in computing the time
12 within which trial must commence under the Speedy Trial Act, pursuant
13 to Title 18 pursuant to 18 U.S.C. § 3161(H)(1)(I) delay resulting from
14 consideration by the Court and its Probation Office of the proposed
15 plea agreement.

16 Respectfully submitted,

17 QUIN DENVIR
18 Federal Public Defender

19 DATED: November 29, 2005

20 /s/ MARK J. REICHEL
21 MARK J. REICHEL
22 Assistant Federal Defender
23 Attorney for Defendant

24 MCGREGOR SCOTT
25 United States Attorney

26 DATED: November 29, 2005

27 /s/ MARK J. REICHEL for
28 KIMBERLY SMITH
Assistant U.S. Attorney
Attorney for Plaintiff

O R D E R

IT IS SO ORDERED. Time under the Speedy Trial Act is excluded in the interests of justice and the hearing continued for the reasons set forth herein above and for the dates and times set forth therein pursuant to Title 18 U.S.C. § 3161(H)(1)(I) delay resulting from consideration by the Court and its Probation Office of the proposed plea agreement.

DATED: December 1, 2005

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge